

REMARKS/ARGUMENTS

The rejections presented in the Office Action dated October 13, 2006 (hereinafter Office Action) have been considered. Reconsideration of the pending claims and allowance of the application in view of the present response is respectfully requested.

Claims 1-21 stand rejected under 35 U.S.C. §§102(e) and 103(a) based on the teachings of U.S. Patent No. 6,862,687 to Suzuki (hereinafter “Suzuki”). Without acquiescing to characterizations of the asserted art, Applicant’s claimed subject matter, or to the applications of the asserted art or combinations thereof to Applicant’s claimed subject matter, Applicant has amended the independent claims to include the subject matter of Claim 7, which has been canceled. These changes are believed to place each of the claims in condition for allowance for the reasons discussed below.

Applicant respectfully traverses the assertion that Suzuki teaches the subject matter of original Claim 7. The cited portions of Suzuki as well as the discussion in column 5, lines 15-17 and 28-32, teach that predetermined points and their designation order are determined in advance such that each of the predetermined points must be touched, in order, to access the terminal. There is no indication in Suzuki that less than the total number of predetermined points in an image are selected to be touched or that such a selection is based on a predetermined parameter. The Office Action does not identify, nor does Applicant recognize, where a predetermined parameter, as claimed, is disclosed. Without a presentation of correspondence to at least these limitations, which are now included in each of the pending claims, the prior art rejections are improper. Applicant accordingly requests that each of the rejections be withdrawn.

Dependent Claims 2-6, 9-12, and 14-20 depend from independent Claims 1 and 13, respectively, and also stand rejected under 35 U.S.C. §102(e) as allegedly being anticipated by Suzuki. While Applicant does not acquiesce with the particular rejections to these dependent claims, these rejections are also improper for the reasons discussed above in connection with amended independent Claims 1 and 13. These dependent claims include all of the limitations of their respective base claims and any intervening claims and recite

additional features which further distinguish these claims from the cited reference.

Therefore, the rejection of dependent Claims 2-6, 9-12, and 14-20 is improper.

With particular respect to the rejection of dependent Claim 9, Applicant respectfully traverses. In contrast to the Examiner's assertion, the relied-upon portion of Suzuki at column 5, lines 15-33, makes no mention of a user ID registered as the user of a device before the device is transferred to a lock state. Without a presentation of correspondence to each of the claimed limitations, the §102(e) rejection is improper and Applicant requests that it be withdrawn.

With particular respect to the §103(a) rejection of dependent Claim 8, Applicant also respectfully traverses. Dependent Claim 8 originally depended from Claim 7 and now depends from Claim 1. Thus, Claim 8 included, and still includes, the limitations of original Claim 7, which are discussed above as not being taught by Suzuki. Without a presentation of correspondence to each of the claimed limitations, the §103(a) rejection is improper, and Applicant accordingly requests that it be withdrawn.

Authorization is given to charge Deposit Account No. 50-3581 (KOLS.052PA) any necessary fees for this filing. If the Examiner believes it necessary or helpful, the undersigned attorney of record invites the Examiner to contact her at the number below to discuss any issues related to this case.

Respectfully submitted,

HOLLINGSWORTH & FUNK, LLC
8009 34th Avenue South, Suite 125
Minneapolis, MN 55425
952.854.2700

Date: January 2, 2007

By: Erin M. Nichols

Erin M. Nichols
Reg. No. 57,125